

SENATE BILL REPORT

SB 5114

As of February 11, 2009

Title: An act relating to encouraging efficient use of water by eliminating the partial relinquishment of water rights.

Brief Description: Eliminating the partial relinquishment of water rights.

Sponsors: Senators Honeyford, Schoesler, Holmquist, Becker, Morton, Delvin, Hewitt, Roach and Parlette.

Brief History:

Committee Activity: Environment, Water & Energy: 2/10/09.

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Staff: Karen Epps (786-7424)

Background: Washington water law is based on the prior appropriation doctrine. The doctrine known as "first in time is first in right" creates a priority system based on the date of use or intent to use water. In times of water shortage, more senior water rights may be exercised to the fullest extent, while use of water under more junior rights may be reduced or prohibited.

Under the forfeiture statute, if persons abandon or voluntarily fail to beneficially use all or any part of their water right for five successive years without sufficient cause, the right or portion unused reverts to the state.

Summary of Bill: The bill removes the existing language in the forfeiture statute that provides for a loss of "some portion thereof" of a water right for non-use and provides that an owner of a water right does not relinquish that person's claim on the water if he or she continues to use at least a portion of the water for the established purpose of use.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill will provide incentives for water conservation. The key with this bill is that it will help with the change or transfer process. This bill will encourage sharing of this resource. Relinquishment affects all aspects of water uses.

CON: Many folks believe the current water system is broken, but there needs to be a more balanced approach in order to fix it. This bill changes the fundamental reasoning of future use of the water. Current law is adequate if it is enforced. These efforts to change relinquishment are made to allow for hoarding of water.

OTHER: Some relief is warranted.

Persons Testifying: PRO: Jack Field, Washington Cattlemen's Association; John Stuhlmiller, Washington Farm Bureau; Kathleen Collins, Washington Water Policy Alliance.

CON: Mo McBroom, Washington Environmental Council; Darcy Nonemacher, American Rivers; Steve Robinson, Northwest Indian Fisheries Commission; Martin Durken, Jr., Muckleshoot Tribe.

OTHER: Ken Slattery, Department of Ecology.